

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

WILLIE MCNAIR,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	No. 2:06-cv-00695-WKW-CSC
	)	
RICHARD ALLEN, Commissioner,	)	
Alabama Department of	)	
Corrections, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

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JAMES CALLAHAN,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	No. 2:06-cv-00919-WKW-CSC
	)	
RICHARD ALLEN, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

**DEFENDANTS' RESPONSE TO PLAINTIFFS' DESIGNATION  
OF DEPOSITION TESTIMONY**

Pursuant to the Court's scheduling order, Defendants submit the following response to the Plaintiffs' designation of deposition testimony:

Defendants do not object to entering into the record any portion of deposition testimony designated by the Plaintiffs. However, in Defendants' view, each of the deposition transcripts should be submitted in their entirety. The entire transcripts were filed previously by both Plaintiffs and Defendants to support the parties' respective arguments concerning Defendants' Motion for Summary Judgment, and in fairness

should be submitted in their entirety at trial. This is especially true for the witnesses who are not appearing live, but will instead testify by deposition.

In the alternative, Defendants submit that, at the very least, the cross-examinations by Defendants' counsel and other portions of the depositions to which Defendants cited in support of their Motion for Summary Judgment should be submitted. Other portions should be included so the testimony is considered in its proper context. Therefore, Defendants intend to ask that if the depositions are not submitted in their entirety, then, in addition to the portions designated by the Plaintiffs, the following be included in the record:

**1. Warden Grant Culliver**

p. 9:11 to 12:22  
p. 26:19 to 27:24  
p. 29:14-20  
p. 30:21 to 32:18  
p. 43:23 to 44:21  
p. 45:6-13  
p. 66:4-22  
p. 68:16 to 69:11  
p. 69:20 to 70:13  
p. 83:6 to 84:13  
p. 86:24 to 87:13  
p. 88:11 to 89:16  
p. 89:33 to 90:13  
p. 91:5-15  
p. 101:5-24  
p. 104:5-9  
p. 105:17-24

**2. DOC-1**

p. 12:3-14  
p. 39:19 to 40:22  
p. 15:21 to 17:9  
p. 22:22 to p. 23:17  
p. 24:2-5  
p. 29:22 to 30:4

p. 36:23 to 38:1  
p. 39:14 to 46:14

**3. DOC-2**

p. 8:3-11, 21-25  
p. 9:16 to 10:7  
p. 12:14 to 13:4  
p. 17:15 to 18:25  
p. 21:6-24  
p. 22:22 to 23:13  
p. 24:4 to 25:17  
p. 26:24 to 27:10  
p. 28:22-25  
p. 30:4-10  
p. 31:22 to 32:2  
p. 32:22 to 33:2  
p. 39:7 to 40:15  
p. 40:21-25  
p. 41:5 to 42:24  
p. 46:1-20  
p. 47:20 to 48:4  
p. 49:10 to 52:2

**4. EMT-1**

p. 8:14 to 9:2  
p. 10:25 to 11:11  
p. 12:5-10  
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p. 14:4-13  
p. 14:24 to 15:8  
p. 23:8 to 24:6  
p. 27:1-3  
p. 27:22 to 28:6  
p. 33:2 to 35:1  
p. 38:9 to 39:6  
p. 42:3 to 49:6

**5. EMT-2**

p. 8:16 to 9:7  
p. 9:19 to 10:15  
p. 11:25 to 12:9  
p. 14:6-11  
p. 14:23 to 15:8

p. 16:15 to 17:9  
p. 17:22 to 19:16  
p. 22:5-9  
p. 24:17 to 25:12  
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**6. RN**

p. 9:7-22  
p. 13:1-4, 8-12  
p. 15:4-9  
p. 17:7-10  
p. 17:20 to 18:25  
p. 20:4-23  
p. 24:1 to 26:6  
p. 27:3 to 29:10

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**CERTIFICATE OF SERVICE**

This is to certify that on the 19<sup>th</sup> day of September, 2007, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following:

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